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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,089	02/26/2004	Hiroaki Ono	501.33506CX6	4245
20457	7590	09/25/2007	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP			FIELDS, COURTNEY D	
1300 NORTH SEVENTEENTH STREET			ART UNIT	PAPER NUMBER
SUITE 1800			2137	
ARLINGTON, VA 22209-3873			MAIL DATE	DELIVERY MODE
			09/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/786,089	ONO ET AL.	

  

<b>Examiner</b>	<b>Art Unit</b>	
Courtney D. Fields	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. Claims 1-4 have been amended.
2. Claims 1-4 are pending.

### ***Response to Arguments***

3. Applicant's arguments filed 06 July 2007 have been fully considered but they are not persuasive.
4. Referring to the rejection of claims 1, the Applicant contends that the prior art McWhirter et al. does not disclose, suggest, nor teach the scrambling of the transmitted signal according to a key code and the recording of the scrambled transmitted signal on the recording medium. The Examiner respectfully disagrees and asserts that McWhirter et al. discloses in order to ensure that the recording medium is of sufficient quality, the encoding (i.e. scrambled) placed on the tape (i.e. recording medium) or any other medium can sense a signal and an output can be used to disable the encoding (i.e. scrambling). Furthermore, McWhirter et al. also discloses the signal processing wherein the encoder/recorder and decoder/player may be realized using circuits other than those described above. (See Column 13, lines 18-28)
5. Referring to the rejection of claims 1, the Applicant contends that the prior art McWhirter et al. does not disclose, suggest, nor teach that the scrambled transmitted signal, upon being reproduced from the recording medium is then descrambled and output along with information to restrict its copying is disabled after having been reproduced. The Examiner respectfully disagrees and asserts that McWhirter et al. discloses the head can be a read/write head so that the nature of the magnetic tape, for

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example, upon which the message is to be recorded can be ascertained. Thus, a Schmitt trigger circuit can be used to check that the tape has not previously been used and that there is no other audio or other information pre-existing on the tape. If this test is not passed satisfactorily, the resulting signal from the Schmitt trigger can be used to disable the remainder of the encoder. (See Column 13, lines 9-17)

6. Therefore, claims 1-4 are maintained in view of the reasons above and in view of the reasons below.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by McWhirter et al. (US Patent No. 4,477,848).

Referring to the rejection of claim 1, McWhirter et al. discloses a recording/reproducing apparatus for recording a transmitted signal onto a recording medium and for reproducing the transmitted signal from the recording medium, comprising:

a recorder which records the transmitted signal by a recording/reproducing head onto a recording medium (See Column 5, lines 59-68, Column 6, lines 1-16)

a reproducer which reproduces the transmitted signal by a recording/reproducing head from the recording medium and outputs the transmitted signal (See Column 6, lines 17-33)

and a disabling circuit which disables the transmitted signal recorded on the recording medium by a recording/reproducing head (See Column 13, lines 9-22)

wherein the transmitted signal is recorded on the recording medium, is scrambled using a key code and is restricted from being copied (See Column 5, lines 18-31)

wherein said reproducer descrambles the reproduced signal using the key code and outputs the descrambled signal after adding information to restrict copying and said disabling circuit disables the transmitted signal, recorded on the recording medium, after the transmitted signal has been reproduced (See Column 7, lines 20-30)

Referring to the rejection of claim 2, McWhirter et al. discloses the claimed limitation wherein the disabling circuit erases at least a portion of the transmitted signal recorded on said recording medium (See Column 13, lines 9-22)

Referring to the rejection of claim 3, McWhirter et al. discloses the claimed limitation wherein the disabling circuit rewrites another signal over at least a portion of the transmitted signal recorded on said recording medium (See Column 13, lines 9-17)

Referring to the rejection of claim 4, McWhirter et al. discloses the claimed limitation wherein disabling circuit disables the transmitted signal, recorded on the recording medium within a predetermined time after said reproducer reproduces the transmitted signal (See Column 12, lines 59-68, Column 13, lines 1-4)

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***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*cos*  
cdf

September 14, 2007

*Matthew Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER

*Art Unit 2137*